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PATENT

Applicant: François-Xavier Nuttall Docket No.: AUD04 004-5
Application No.: 09/055,068 Group Art Unit: 3642
Filed: April 3, 1998 Examiner: Not yet assigned
TITLE: METHOD FOR COMPUTER NETWORK OPERATION PROVIDING BASIS FOR USAGE FEES

**STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND 1.27(b) --
INDEPENDENT INVENTOR(S)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Commissioner:

As the below-named inventor, I hereby declare that I am qualified as an independent inventor as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

METHOD FOR COMPUTER NETWORK OPERATION PROVIDING BASIS FOR USAGE FEES

described in:

[] the specification filed herewith
[x] application no. 09/055,068, filed April 3, 1998
[] patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

[] no such person, concern, or organization
[x] persons, concerns or organizations listed below*

* **NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. §1.27)

FULL NAME: AudioSoft, Inc.

ADDRESS: 55 rue August Piccard, 01632 St. Genis Pouilly Cedex, France

[] Individual [x] Small Business Concern [] Nonprofit Organization

FULL NAME: _____

ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME: _____

ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein are of my own knowledge, are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

François-Xavier Nuttall

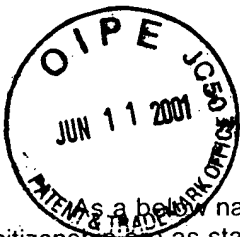
NAME OF INVENTOR

Signature of Inventor

April 13, 1998

Date

SQUIRE, SANDERS & DEMPSEY L.L.P.
Two Renaissance Square
40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004-4440
(602) 528-4100



DECLARATION AND POWER OF ATTORNEY

I, a below named inventor(s), I hereby declare: THAT my residence, post office address and citizenship are as stated below next to my name; THAT I verily believe I am the original, first and sole (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled: METHOD FOR COMPUTER NETWORK OPERATION PROVIDING BASIS FOR USAGE FEES, the specification of which:

☐ is attached hereto.

☒ was filed on April 3, 1998 as Application Serial No. 09/055,068
and was amended on _____ (if applicable).

☐ and amended in the attached Amendment.

THAT I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention or discovery thereof, or more than one year prior to this application;

THAT the invention was not in public use or on sale in the United States of America for more than one year prior to this application;

THAT this invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months before this application;

THAT I have reviewed and understand the contents of the above identified specification, including the claim(s), as amended by any amendment referred to above;

THAT I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. §1.56; and

THAT applications for patent or inventor's certificate on this invention or discovery which have been filed by me or my legal representatives or assigns in any country foreign to the United States of America are as follows (leave blank if none):

1. none filed more than 12 months prior hereto, unless identified here: _____
_____, or

(a) earliest filed less than 12 months prior hereto, if any, the priority of which is hereby claimed under 35 U.S.C. 119. The foreign application(s) on which priority is claimed is: _____;
and other foreign applications having filing dates earlier than the application(s) on which priority is claimed are as follows: _____
_____.

And I hereby appoint, as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, individually and collectively:

SQUIRE, SANDERS & DEMPSEY L.L.P.
Two Renaissance Square
40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004-4424

telephone number (602) 528-4000 (to whom all communications regarding the subject application are to be directed); and each attorney thereof named below with Registration Numbers, and of the same address:

Michael A. Lechter Reg. No. 27,350

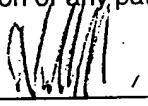
and further appoints as associate attorneys, with right of revocation in the primary attorneys, the following:

James H. Phillips Reg. No. 24,133 William R. Bachand Reg. No. 34,980

David E. Rogers Reg. No. 38,287

Please send all further correspondence to Squire, Sanders & Dempsey L.L.P. at the foregoing address.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1. Inventor's Signature  _____
Date April 13, 1998 _____
Inventor's Name (typed) François-Xavier Nuttall
First Middle Initial Family Name
Citizenship France _____
Residence (City) Prevessin _____
(State/Foreign Country) France _____
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